IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.486 OF 2004

IN

NOTICE OF MOTION NO.1487 OF 2002

IN

SUIT NO.1859 OF 2002

...

Bai Hajrabai d/o Haji Mohd.
Gani and 2 others. ...Appellants

v/s.

Haji Arif Rangoonwaa & ors. ...Respondents

...

Mr.K.H.Halai for the Appellants.

None for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 23RD AUGUST, 2007

P.C.:

By this Appeal, the Appellants challenge the order dated 10-6-2004 passed in Notice of Motion No.1487 of 2002 by the learned single Judge of this court. By this Notice of Motion, reliefs in terms of prayer clauses (a) (b) & (c) have been granted.

2. The grievance of the Appellant/Plaintiff is that though the prayer was made for appointment of the Receiver in the motion, neither that prayer has been granted nor has any reason been given for not making order for appointment of the Receiver. In our opinion, considering that the Appellants Nos. 2 & 3 have died, it will not be appropriate to decide that question in this appeal. In view of the fact that it is apparent from the order impugned in the Appeal that, prayer of the Appellant for appointment of the Receiver has not taken into consideration and decided upon by the learned single Judge by a speaking order, in our opinion, following order would meet the ends of justice.

O R D E R

Appeal is disposed of. However, the Plaintiffs shall be at liberty to take out a notice of Motion, if so advised, for appointment of the Receiver after carrying out necessary amendments in the plaint.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2389 OF 2004

IN

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None for the Respondents.

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CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 23RD AUGUST, 2007

P.C.:

In view of the order passed in Appeal No.486 of 2004, this motion does not survive for consideration. Disposed of as such.

(D.K.DESHMUKH,J.)

(J.H.BHATIA, J.)